

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2007

SIXTIETH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 2, 2007

The House of Representatives convened at 10:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, University of St. Thomas, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Haws	Liebling	Olson	Smith
Anderson, B.	Dill	Heidgerken	Lieder	Otremba	Solberg
Anderson, S.	Dittrich	Hilstrom	Lillie	Ozment	Sviggum
Anzelc	Dominguez	Holberg	Loeffler	Paulsen	Swails
Atkins	Doty	Hoppe	Madore	Paymar	Thao
Beard	Eastlund	Hornstein	Magnus	Pelowski	Thissen
Benson	Eken	Hortman	Mahoney	Peppin	Tillberry
Berns	Emmer	Hosch	Mariani	Peterson, A.	Tingelstad
Bigham	Erhardt	Howes	Marquart	Peterson, N.	Tschumper
Bly	Erickson	Huntley	Masin	Poppe	Urdahl
Brod	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brown	Finstad	Johnson	McNamara	Ruth	Walker
Brynaert	Fritz	Juhnke	Moe	Sailer	Ward
Buesgens	Gardner	Kahn	Morgan	Scalze	Wardlow
Bunn	Garofalo	Kalin	Morrow	Seifert	Welti
Carlson	Gottwalt	Knuth	Mullery	Sertich	Westrom
Clark	Greiling	Koenen	Murphy, E.	Severson	Winkler
Cornish	Gunther	Kranz	Murphy, M.	Shimanski	Wollschlager
Davnie	Hackbarth	Laine	Nelson	Simon	Zellers
Dean	Hamilton	Lanning	Nornes	Simpson	Spk. Kelliher
DeLaForest	Hansen	Lenczewski	Norton	Slawik	
Demmer	Hausman	Lesch	Olin	Slocum	

A quorum was present.

Kohls and Ruud were excused.

Hilty was excused until 10:40 a.m. Peterson, S., was excused until 11:10 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Tschumper moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 118 and H. F. No. 203, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mariani moved that the rules be so far suspended that S. F. No. 118 be substituted for H. F. No. 203 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 596 and H. F. No. 1360, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simon moved that the rules be so far suspended that S. F. No. 596 be substituted for H. F. No. 1360 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 599 and H. F. No. 828, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kahn moved that S. F. No. 599 be substituted for H. F. No. 828 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 802 and H. F. No. 1072, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Liebling moved that the rules be so far suspended that S. F. No. 802 be substituted for H. F. No. 1072 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 988 and H. F. No. 931, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 988 be substituted for H. F. No. 931 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1126 and H. F. No. 1019, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Olin moved that the rules be so far suspended that S. F. No. 1126 be substituted for H. F. No. 1019 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1302 and H. F. No. 882, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hilstrom moved that the rules be so far suspended that S. F. No. 1302 be substituted for H. F. No. 882 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 298, A bill for an act relating to health; preventing unintended pregnancies by increasing access to family planning; authorizing registered nurses to dispense oral contraceptives in family planning clinics; increasing reimbursement rates for family planning services; expanding the definition of a governmental unit; eliminating the reduction in family planning grants; appropriating money; amending Minnesota Statutes 2006, sections 148.235, by adding a subdivision; 471.59, subdivision 1; Laws 2005, First Special Session chapter 4, article 9, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 148.235, is amended by adding a subdivision to read:

Subd. 11. **Dispensing by protocol.** A registered nurse in a family planning agency as defined in Minnesota Rules, part 9505.0280, subpart 3, may dispense oral contraceptives prescribed by a licensed practitioner as defined in section 151.01, subdivision 23, pursuant to a dispensing protocol established by the agency's medical director or under the direction of a physician. The dispensing protocol must address the requirements of sections 151.01, subdivision 30, and 151.212, subdivision 1.

Sec. 2. Minnesota Statutes 2006, section 471.59, subdivision 1, is amended to read:

Subdivision 1. **Agreement.** Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units. The term "governmental unit" as used in this section includes every city, county, town, school district, other political subdivision of this or another state, another state, the University of Minnesota, nonprofit hospitals licensed under sections 144.50 to 144.56, rehabilitation facilities and extended

employment providers that are certified by the commissioner of employment and economic development, day training and habilitation services licensed under sections 245B.01 to 245B.08, nonprofit community health clinics providing family planning services as defined in section 145.925, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy making and appropriating authority."

Delete the title and insert:

"A bill for an act relating to health; authorizing registered nurses to dispense oral contraceptives in family planning agencies; expanding the definition of governmental units; amending Minnesota Statutes 2006, sections 148.235, by adding a subdivision; 471.59, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 655, A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2006, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

Reported the same back with the following amendments:

Page 7, after line 29, insert:

"Subd. 8. **Appropriations.** Fees raised by this section and section 152.31 are deposited in the state government special revenue fund and are appropriated in fiscal years 2008 and 2009 to the commissioner of health to administer these sections."

Page 8, line 3, delete "or"

Page 8, after line 4, insert:

"(v) where the smoke may be inhaled by a minor child; or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 1959, A bill for an act relating to health professions; allowing the return of drugs dispensed by pharmacies in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 151.

Reported the same back with the following amendments:

Page 1, after line 14, insert:

"Sec. 2. **CERTIFICATION OF PRESCRIPTIONS.**

The Board of Pharmacy shall require a pharmacist or pharmacist intern at the pharmacy that dispenses, delivers, mails, or ships a completed prescription to the patient to be responsible for assuring that the prescription has been certified prior to completion of the transaction. The pharmacist or pharmacist intern at the pharmacy is not required to directly certify the prescription, if certification has been completed at another pharmacy."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "assuring certification of prescriptions;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 298 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 118, 596, 599, 802, 988, 1126, 1302 and 1959 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 966, A bill for an act relating to labor; allowing the commissioner of labor and industry to issue orders of compliance relating to overtime for nurses; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivision 1, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICE DWORAK, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2227, A bill for an act relating to appropriations; appropriating money for agriculture and veterans affairs; modifying disposition of certain revenue and funds; modifying certain grant and loan requirements; modifying use of Minnesota grown label; modifying and creating certain funds and accounts; eliminating the aquatic pest control license; modifying permit and safeguard requirements; modifying and establishing certain fees and surcharges; creating a food safety and defense task force; requiring certain studies and reports; providing for NextGen energy; changing certain provisions related to veterans and members of the national guard and reserves; amending Minnesota Statutes 2006, sections 3.737, subdivision 1; 3.7371, subdivision 3; 17.03, subdivision 3; 17.101, subdivision 2; 17.102, subdivisions 1, 3, 4, by adding subdivisions; 17.117, subdivisions 1, 4, 5a, 5b, 11; 17.983, subdivision 1; 17B.03, by adding a subdivision; 18B.065, subdivisions 1, 2a; 18B.26, subdivision 3; 18B.33, subdivision 1; 18B.34, subdivision 1; 18B.345; 18C.305, by adding a subdivision; 18E.02, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 25.341, subdivision 1; 28A.04, subdivision 1; 28A.06; 28A.082, subdivision 1; 32.21, subdivision 4; 32.212; 32.394, subdivision 4; 32.415; 41B.03, subdivision 1; 41B.043, subdivisions 2, 3, 4; 41B.046, subdivision 4; 41B.047; 41B.055; 41B.06; 41C.05, subdivision 2; 116.0714; 156.001, by adding subdivisions; 156.12, subdivision 1; 197.75; 198.002, subdivision 2; 198.004, subdivision 1; 239.7911, subdivision 1; 327.201; 343.10; proposing coding for new law in Minnesota Statutes, chapters 18C; 28A; 35; 41A; 192; 197; repealing Minnesota Statutes 2006, sections 17.109; 18B.315; 18C.425, subdivision 5; 32.213; 35.08; 35.09; 35.10; 35.11; 35.12; 41B.043, subdivision 1a; 156.075; Laws 2006, chapter 258, section 14, subdivision 6; Minnesota Rules, parts 1705.0840; 1705.0850; 1705.0860; 1705.0870; 1705.0880; 1705.0890; 1705.0900; 1705.0910; 1705.0920; 1705.0930; 1705.0940; 1705.0950; 1705.0960; 1705.0970; 1705.0980; 1705.0990; 1705.1000; 1705.1010; 1705.1020; 1705.1030; 1705.1040; 1705.1050; 1705.1060; 1705.1070; 1705.1080; 1705.1086; 1705.1087; 1705.1088.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICE DWORAK, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1085, A bill for an act relating to health and the environment; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; amending Minnesota Statutes 2006, sections 115A.932, subdivision 1; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; 121A.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Marty, Latz and Fischbach.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICE DWORAK, First Assistant Secretary of the Senate

Hortman moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1085. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 854, A bill for an act relating to environment; providing for collection, transportation, and recycling of video display devices; providing civil penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

PATRICE DWORAK, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sailer moved that the House concur in the Senate amendments to H. F. No. 854 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 854, A bill for an act relating to environment; providing for collection, transportation, and recycling of video display devices; providing civil penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 114 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hortman	Loeffler	Olson	Slocum
Anderson, S.	Dittrich	Hosch	Madore	Otremba	Smith
Anzelc	Dominguez	Howes	Magnus	Ozment	Solberg
Atkins	Doty	Huntley	Mahoney	Paulsen	Swails
Benson	Eken	Jaros	Mariani	Paymar	Thao
Berns	Erhardt	Johnson	Marquart	Pelowski	Thissen
Bigham	Faust	Juhnke	Masin	Peterson, A.	Tillberry
Bly	Fritz	Kahn	McFarlane	Peterson, N.	Tingelstad
Brod	Gardner	Kalin	McNamara	Poppe	Tschumper
Brown	Gottwalt	Knuth	Moe	Rukavina	Urdahl
Brynaert	Greiling	Koenen	Morgan	Ruth	Wagenius
Bunn	Gunther	Kranz	Morrow	Sailer	Walker
Carlson	Hamilton	Laine	Mullery	Scalze	Ward
Clark	Hansen	Lanning	Murphy, E.	Sertich	Wardlow
Cornish	Hausman	Lenczewski	Murphy, M.	Severson	Welti
Davnie	Haws	Lesch	Nelson	Shimanski	Winkler
Dean	Heidgerken	Liebling	Nornes	Simon	Wollschlager
Demmer	Hilstrom	Lieder	Norton	Simpson	Zellers
Dettmer	Hornstein	Lillie	Olin	Slawik	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	DeLaForest	Erickson	Hackbarth	Peppin	Westrom
Beard	Eastlund	Finstad	Holberg	Seifert	
Buesgens	Emmer	Garofalo	Hoppe	Sviggum	

The bill was repassed, as amended by the Senate, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 2, 2007:

S. F. Nos. 493 and 646; H. F. No. 2294; and S. F. Nos. 1311, 805, 218 and 241.

CALENDAR FOR THE DAY

H. F. No. 1078, A bill for an act relating to health; modifying the hospital public interest review; modifying the alternative approval process; amending Minnesota Statutes 2006, sections 144.50, by adding subdivisions; 144.552; 144.553, subdivision 3; 144.699, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kahn	McFarlane	Peterson, A.
Anderson, B.	Demmer	Hackbarth	Kalin	McNamara	Peterson, N.
Anderson, S.	Dettmer	Hamilton	Knuth	Moe	Poppe
Anzelc	Dill	Hansen	Koenen	Morgan	Rukavina
Atkins	Dittrich	Hausman	Kranz	Morrow	Ruth
Beard	Dominguez	Haws	Laine	Mullery	Sailer
Benson	Doty	Heidgerken	Lanning	Murphy, E.	Scalze
Berns	Eastlund	Hilstrom	Lenczewski	Murphy, M.	Seifert
Bigham	Eken	Hilty	Lesch	Nelson	Sertich
Bly	Emmer	Holberg	Liebling	Nornes	Severson
Brod	Erhardt	Hoppe	Lieder	Norton	Shimanski
Brown	Erickson	Hornstein	Lillie	Olin	Simon
Brynaert	Faust	Hortman	Loeffler	Olson	Simpson
Bunn	Finstad	Hosch	Madore	Otremba	Slawik
Carlson	Fritz	Howes	Magnus	Ozment	Slocum
Clark	Gardner	Huntley	Mahoney	Paulsen	Smith
Cornish	Garofalo	Jaros	Mariani	Paymar	Solberg
Davnie	Gottwalt	Johnson	Marquart	Pelowski	Sviggum
Dean	Greiling	Juhnke	Masin	Peppin	Swails

Thao	Tingelstad	Wagenius	Wardlow	Wollschlager
Thissen	Tschumper	Walker	Welti	Zellers
Tillberry	Urdahl	Ward	Winkler	Spk. Kelliher

Those who voted in the negative were:

Buesgens	Westrom
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The bill was passed and its title agreed to.

S. F. No. 372, A bill for an act relating to crime; repealing the law prohibiting ticket scalping; repealing Minnesota Statutes 2006, section 609.805.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hilstrom	Liebling	Olson	Solberg
Anderson, S.	Dill	Hilty	Lieder	Otremba	Sviggum
Anzelc	Dominguez	Holberg	Lillie	Ozment	Swails
Atkins	Doty	Hoppe	Loeffler	Paulsen	Thao
Beard	Eastlund	Hornstein	Madore	Paymar	Thissen
Benson	Eken	Hortman	Magnus	Pelowski	Tillberry
Berns	Emmer	Hosch	Mahoney	Peppin	Tingelstad
Bigham	Erhardt	Howes	Mariani	Peterson, A.	Tschumper
Bly	Erickson	Huntley	Marquart	Peterson, N.	Urdahl
Brod	Faust	Jaros	Masin	Peterson, S.	Wagenius
Brown	Finstad	Johnson	McFarlane	Rukavina	Walker
Brynaert	Fritz	Juhnke	McNamara	Ruth	Ward
Buesgens	Gardner	Kahn	Moe	Sailer	Wardlow
Bunn	Garofalo	Kalin	Morgan	Seifert	Welti
Carlson	Gottwalt	Knuth	Morrow	Sertich	Westrom
Clark	Gunther	Koenen	Mullery	Severson	Winkler
Cornish	Hackbarth	Kranz	Murphy, E.	Shimanski	Wollschlager
Davnie	Hamilton	Laine	Murphy, M.	Simon	Zellers
Dean	Hansen	Lanning	Nelson	Simpson	Spk. Kelliher
DeLaForest	Hausman	Lenczewski	Nornes	Slawik	
Demmer	Heidgerken	Lesch	Olin	Slocum	

Those who voted in the negative were:

Abeler	Greiling	Norton	Scalze
Dittrich	Haws	Poppe	Smith

The bill was passed and its title agreed to.

H. F. No. 1409, A bill for an act relating to health; changing provisions for well contractor's license; amending Minnesota Statutes 2006, sections 103I.525, subdivision 5; 103I.531, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slawik
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Slocum
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Smith
Anzelc	Dominguez	Hilty	Lillie	Ozment	Solberg
Atkins	Doty	Holberg	Loeffler	Paulsen	Svigum
Beard	Eastlund	Hoppe	Madore	Paymar	Swails
Benson	Eken	Hornstein	Magnus	Pelowski	Thao
Berns	Emmer	Hortman	Mahoney	Peppin	Thissen
Bigham	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Bly	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Brod	Faust	Huntley	Masin	Peterson, S.	Tschumper
Brown	Finstad	Jaros	McFarlane	Poppe	Urdahl
Brynaert	Fritz	Johnson	McNamara	Rukavina	Wagenius
Buesgens	Gardner	Juhnke	Moe	Ruth	Walker
Bunn	Garofalo	Kahn	Morgan	Sailer	Ward
Carlson	Gottwalt	Kalin	Morrow	Scalze	Wardlow
Clark	Greiling	Knuth	Mullery	Seifert	Welti
Cornish	Gunther	Koenen	Murphy, E.	Sertich	Westrom
Davnie	Hackbarth	Kranz	Murphy, M.	Severson	Winkler
Dean	Hamilton	Laine	Nelson	Shimanski	Wollschlager
DeLaForest	Hansen	Lanning	Nornes	Simon	Zellers
Demmer	Hausman	Lenczewski	Norton	Simpson	Spk. Kelliher

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Zellers moved that the name of Magnus be added as an author on H. F. No. 622. The motion prevailed.

Ruud moved that the name of Tingelstad be added as an author on H. F. No. 1990. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, May 3, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, May 3, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives